



XA-10065

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Masamichi FUJITO et al.

Appln. No.: 10/810,672

Group Art Unit: 2827

Filed: March 29, 2004

Examiner: T. Phan

For: SEMICONDUCTOR DEVICE

* * *

REQUEST TO VACATE OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the Office Action dated September 15, 2005, be vacated. The action requires restriction between I (Claims 1-20 and 23-25) and II (Claims 21-22). However, Claims 21-25 were cancelled by the Preliminary Amendment dated March 29, 2004.

Accordingly, the outstanding Office Action should be vacated and an action on the merits given with respect to Claims 1-20.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension

of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

MWS:sjk

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By: 

Mitchell W. Shapiro
Reg. No. 31,568

October 5, 2005